

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UMA THURMAN and KARUNA DREAM, INC.7/2/08  
SCHEDULING ORDER

Plaintiffs,

- against -

LANCÔME PARFUMS ET BEAUTÉ & CIE,  
Defendant.

08 Civ. 4392 (SAS) (DF)

Conference Date: July 2, 2008

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**WHEREAS**, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on June 17, 2008 (the “Order”); and

**WHEREAS**, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

**NOW THEREFORE**, the parties hereby submit the following information as required by the Order:

1. The date of the conference and the appearances for the parties;

**July 2, 2008**

**Greenberg Glusker Fields Claman & Machtinger LLP, by Bertram Fields, for Plaintiffs Uma Thurman (“Thurman”) and Karuna Dream, Inc. (“Karuna”) (collectively, “Plaintiffs”).**

**Reed Smith LLP, by Peter D. Raymond, will be appearing for Defendant Lancôme Parfums et Beauté & Cie (“Lancôme ” or “Defendant”).**

2. A concise statement of the issues as they then appear;

**Plaintiffs’ Statement**

**Plaintiffs allege that Lancôme violated an endorsement agreement between Lancôme and Karuna (the “License Agreement”) by, *inter alia*, continuing to use Thurman’s name and image after the License Agreement terminated. Plaintiffs claim that Lancôme’s conduct**

**violated Plaintiffs' rights under the Lanham Act; breached the License Agreement; violated Thurman's right of privacy under N.Y. Civil Rights Law § 51 and other rights pursuant to N.Y. General Business Law § 133 and § 360-1.**

**Defendant Lancôme's Statement**

**Lancôme denies liability to Plaintiffs for its actions or omissions. Lancôme further asserts that its conduct was, at all times, in compliance with the License Agreement, that Lancôme acted reasonably, properly, innocently, and in good faith at all times, and that Plaintiff incurred no damages resulting from Lancôme's actions or omissions.**

3. A schedule including:

- (a) the names of persons to be deposed and a schedule of planned depositions;

**Plaintiffs anticipate conducting depositions of Rule 30(b)(6) witnesses of Lancôme, and Lancôme's experts, if any.**

**Lancôme intends to conduct depositions of Uma Thurman; Bryan Lourd of Creative Artists Agency; Liz Dalling of Special Artists Agency, Inc.; Rule 30(b)(6) witnesses of Creative Artists Agency, Karuna, and/or Special Artists Agency, Inc.; and Plaintiffs' experts, if any.**

**Fact witness depositions will be completed by January 31, 2009.**

*Dec. 1*

**The parties reserve their rights to object to depositions and other discovery of nonparties.**

- (b) a schedule for the production of documents;

*Aug 18*

**Document requests will be served by September 30, 2008, and documents and objections, if any, will be served by October 30, 2008.**

*Sept 18*

- (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;

*JAN 15*

**Expert reports, if any, will be served by February 15, 2009, and expert depositions, if any, will be completed by March 31, 2009.**

*Feb 16*

- (d) time when discovery is to be completed;

**All discovery will be completed by April 30, 2009.**

*Apr. 16*

- (e) the date by which plaintiffs will supply their pre-trial order matters to defendant;

**The pre-trial order matters will be produced by Plaintiffs to Lancôme within 30 days after the completion of all discovery.** *March 16*

- (f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

**The pretrial order will be filed within 60 days after completion of all discovery.** *March 30*

- (g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

*Pre 17 at 9:30*

4. A statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

**Defendant is a French company subject to the French Data Protection and Blocking statutes with respect to certain financial, technical, industrial, and personal information. The parties have agreed to enter into an appropriate confidentiality agreement which will allow production of documents and information by Defendant within the restrictions of French law.**

**Other than agreeing to confidentiality provisions, Plaintiffs do not waive any of their discovery rights.**

5. A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

**To date, there have been no disputes over discovery, except as to the possibility of what French law may require.**

**Lancôme's answer was timely filed and served on June 26, 2008.**

6. Anticipated fields of expert testimony, if any;

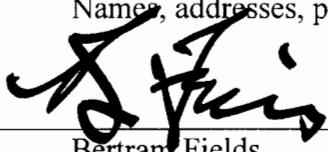
**The parties do not know at this time whether experts will be necessary and, therefore, are not in a position to supply the requested information. However, the parties wish to reserve their rights to retain experts at a later date, and if they do so, will comply with this Court's rules, as well as all federal and local rules, regarding expert reports and testimony.**

7. Anticipated length of trial and whether to court or jury;

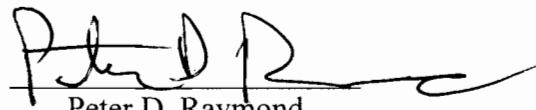
**10-day trial to the jury.**

8. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires;

9. Names, addresses, phone numbers and signatures of counsel;



Bertram Fields



Peter D. Raymond

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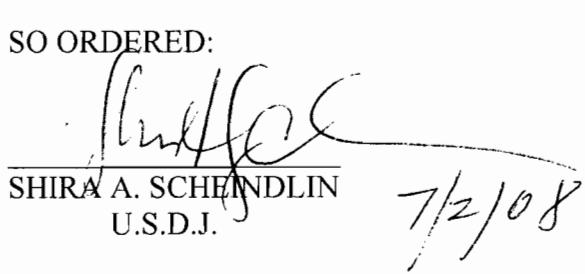
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Attorneys for Defendant  
Lancôme Parfums et Beauté & Cie

Attorneys for Plaintiffs Uma Thurman  
and Karuna Dream, Inc.

SO ORDERED:



SHIRA A. SCHEINDLIN  
U.S.D.J.

7/2/08